

Suggestions for Effective Collaborative Negotiations

“The Help List” During all Meetings With Your Partner And With the Collaborative Practitioners

1. View your “ex” as a negotiation problem-solving partner. Although the two of you are separating it is helpful to consider that person as someone who can actively and constructively participate in resolving the issues created by your separation. Indeed, your partner is a vital problem solving colleague in collaborative negotiations. For that reason your “ex” is referred to as your “partner” in this list of suggestions.
2. Be constructive. Do and say only those things which you have reason to think will be effective. Being effective and constructive means always remaining focused on achieving goals that are consistent with your interests and principles and always acting in ways that you believe could lead to a solution.
3. Take responsibility for your feelings and do not allow your feelings to dictate your actions. When you feel that you have been wronged, it is hard not to dwell on the wrongdoing that you feel has been inflicted upon you, and hard not to remain focused on blaming your partner, and hard not to expect the worst. When you allow yourself to be governed by such feelings you are dwelling in the past and limiting your ability to move forward. Look at what has happened – including your own part in it – and set whatever boundaries and limits you may need to protect yourself in the future. Then focus your attention on what will help you in the future.
4. Avoid using inflammatory language and gestures. Critical speech, blame, the use of sarcastic inflections and accusatory looks, can all cause a spiral of unproductive conversation. Notice if you are angry, fearful, hurt, or in pain and if need be, remove yourself from the immediate situation until you feel more able to participate constructively. When you catch yourself reacting in a potentially inflammatory way, or someone else points out your reaction, use that awareness as a tool to understand yourself and your needs.
5. Speak for yourself, not for your partner. When speaking about your partner, try not to describe his/her feelings or motivations. Focus on your own feelings. For example, if you believe that a particular statement is not true, express your concerns by stating, “I find it difficult to trust you. I am not able to believe what you are saying.” Do not say, “You are a liar.” The former statement is clearly true. The latter statement may be subject to debate and can easily precipitate an unnecessary argument. The latter statement also does not address the serious issue of lack of trust. Negotiations refer to this preferred manner of expression as making “I” statements. “I” statements are never followed by the words “that you...”. For example, saying “I feel that you are a liar” is not an “I” statement. “I” statements express your own underlying concerns or feelings; they do not describe your partner or his/her actions.

6. Remember that the collaborative process is completely voluntary. You and your partner will continue in collaboration only for so long as you both wish. You are free to terminate the process at any time. You have the right to say “no” at any time. It is important to remember this right. Knowledge of your entitlement to stop at any time gives you the freedom to consider all your options without feeling coerced or trapped.
7. Be creative. Attempt to think “outside of the box”. Be willing to consider as many options as possible for meeting your interests as well as your partner’s. Focus on being creative. For example, “brainstorm” potential options and develop as many choices as possible before shifting into an evaluative mode and choosing solutions. If you already have ideas about how certain issues should be resolved, be willing to park those ideas on the shelf while facts and priorities are reviewed and options are developed. You can always reconsider your original ideas later, after much more information has been gathered. The best and most lasting solutions are those that emerge from broad consensus about the facts and shared awareness of goals and priorities. As the process unfolds, important information and understandings may emerge that can change your early ideas about what would be the best solutions.
8. Respect the fact that the big changes taking place in your relationship will present different challenges for you and your partner. You are both going through a difficult transition. Sometimes the difficulties are greater for one person than the other. Sometimes one of you will have already fully accepted the idea that the relationship is ending, while the other is just starting to adjust to that reality. You will each have different needs and a different timetable over which such adjustments will occur. You will each process information differently and make decisions in different ways. Be respectful of these differences and difficulties and do not take them personally. Consider the possibility that each of you is doing the best that you can.
9. Consider conflict as an opportunity to be creative. Most people encounter at least a few issues which are very sensitive and which can lead to some conflict. The potential for conflict should not lead to the avoidance of important issues. Conflict can be useful inasmuch as it can help clarify what is most important to each partner, and why. Solutions that last, are solutions that address major concerns, including those about which you and your partner may not initially see eye to eye. Avoiding conflict can lead to unstable resolutions. Conflict can be a useful tool if it leads to a productive result and is handled skilfully and respectfully. Collaboration does not imply an absence of conflict. Collaborative Practice does provide an opportunity to approach potential conflict with a constructive solution-oriented attitude.
10. Listen carefully to your partner’s expressed feelings, priorities, concerns, and interests. It is very important that you try to understand what matters to your partner, and why. True collaboration aims for maximum consensus, which implies that everyone will be attempting to find resolutions that encompass as much as possible of what is important to each of you. Mutual understanding is a prerequisite for optimizing results. Sometimes when you don’t agree with what someone else is saying you will be fearful that expressing your understanding signifies agreement. Listening to and understanding what someone is saying does not constitute agreement. It is, however, an essential ingredient in the collaborative problem-solving process.

11. Be optimistic! There is no risk attached to choosing optimism, and much potential benefit. You may not have chosen to separate, but even an unwelcome separation offers unexpected opportunities to “push the reset button”. Remain optimistic that with diligence and effort a mutually acceptable result is possible. There is no guarantee that the process of reaching agreement will be effortless or without difficulties. However, even the most difficult conflicts can be resolved when there is the shared intention to do so.

12. We are all responsible for the application of ‘The Help List’. This process will work best if at the commencement all participants give everyone else permission to comment tactfully and constructively when one of the principles above is not being applied. The Practitioners and Family Consultants are as responsible as the parties for applying the list.